

# Notice of Allowability

Application No.

10/052,064

Applicant(s)

YOUNG, ERIK P.

Examiner

Yogesh C. Garg

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on 6/29/06 & Amendment received on.
2. ☒ The allowed claim(s) is/are 4-8 and 21-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/29/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**YOGESH C. GARG  
PRIMARY EXAMINER**

**TECHNOLOGY CENTER 3600**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Mr. Lester Vincent on 6/29/2006.

The application has been amended as follows:

Claim 4 (Currently Amended): A method for selecting a group of bidders for a current bidding event to auction a lot having one or more items, said method comprising:

identifying a prior bidding event having occurred before said current bidding event, wherein said prior bidding event includes a plurality of contact events for each bidder participating in said prior bidding event;

further identifying one or more participating bidders for said prior bidding event;

quantifying participation of each identified bidder in each of said plurality of contact events for said prior bidding event, thereby generating a corresponding participation score for each said identified bidder;

prioritizing using prioritizing software the identified bidders in a first descending order based on said corresponding participation score, thereby generating a first prioritized list of bidders;

Art Unit: 3625

selecting said group of bidders for said current bidding event from said first prioritized list of bidders;

further identifying each bid-in event for said prior bidding event, wherein each said bid-in event is one of said plurality of contact events and relates to bids received from one or more identified bidders during said prior bidding event;

obtaining a corresponding rank for each said identified bidder for each said bid-in event in which said identified bidder has participated;

quantifying each corresponding rank for each said identified bidder for each said bid-in event in which said identified bidder has participated, thereby generating a corresponding competitiveness score for each said identified bidder;

prioritizing using prioritizing software the identified bidders in a second descending order based on said corresponding competitiveness score, thereby generating a second prioritized list of bidders; and

selecting said group of bidders for said current bidding event from at least one of said first prioritized list of bidders and said second prioritized list of bidders.

Claims 9-19 (currently canceled)

Claims 24-27 (currently canceled)

***Allowable Subject Matter***

2. Claims 4-8 and 21-23 are allowed. Claims 4 and 21 are independent. Claims 5-8 are dependencies of claim 4, and claims 22-23 are dependencies of claim 21.

***Reasons for Allowance***

3 The following is an examiner's statement of reasons for allowance:

**Claims 4-8 & 21-23**

The prior art of record neither anticipates nor renders obvious a method for selecting a group of bidders for a current bidding event to auction a lot having one or more items comprising, inter alia, as a whole identifying a prior bidding event having occurred before said current bidding event, wherein said prior bidding event includes a plurality of contact events for each bidder participating in said prior bidding event, further identifying one or more participating bidders for said prior bidding event, quantifying participation of each identified bidder in each of said plurality of contact events for said prior bidding event, thereby generating a corresponding participation score for each said identified bidder, prioritizing using prioritizing software the identified bidders in a first descending order based on said corresponding participation score, thereby generating a first prioritized list of bidders, selecting said group of bidders for said current bidding event from said first prioritized list of bidders, further identifying each bid-in event for said prior bidding event, wherein each said bid-in event is one of

said plurality of contact events and relates to bids received from one or more identified bidders during said prior bidding event, obtaining a corresponding rank for each said identified bidder for each said bid-in event in which said identified bidder has participated, quantifying each corresponding rank for each said identified bidder for each said bid-in event in which said identified bidder has participated, thereby generating a corresponding competitiveness score for each said identified bidder, prioritizing using prioritizing software the identified bidders in a second descending order based on said corresponding competitiveness score, thereby generating a second prioritized list of bidders, and selecting said group of bidders for said current bidding event from at least one of said first prioritized list of bidders and said second prioritized list of bidders (see independent claim 4 ).

4. Since the language and limitations of claim 21 are closely parallel to those of claim 4, the rationale for reasons for allowance for claim 21 is same as for claim 4.

Since claims 5-8 and 22-23 are dependencies of claims 4 and 21 respectively, the rationale for reasons for allowance for these dependencies is same as for claim 4.

5. Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s).

The most closely applicable prior art of record is referred to Kotas (US Publication 2002/0002526 ) used in the earlier Office action mailed on 1/30/2006 . Kotas

Art Unit: 3625

teaches a method and apparatus for selecting prospective bidders for a selected auction based upon the bidders' histories. For a particular selected auction the system obtains a list of bidders that have already bid for the selected auction and this list of bidders the system identifies the other previous auctions in which these bidders have also bid and then from each identified auction select those bidders who have still not bid for the selected auction and then sends e-mail messages to the selected bidders for promoting the selected auction (see at least Abstract, paragraphs 0012-0015 and Figs. 1-4). However, Kotas alone or in combination with another prior art fails to render obvious the application's above-mentioned underlined unique features(s)

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 2002/0099643 A1 to Abeshouse et al. teaches a method and a system for rewarding bidders in auctions based upon their participation history and their ranks in terms of prices bid by them (see at least paragraphs 0079-0091 and Figs 7,9 and 10). Based upon the bidders' participation history and their ranking they are rewarded by providing more information about other bids placed in an ongoing auction in the market. However, Abeshouse, alone or in combination with another prior art fails to render obvious the application's above-mentioned underlined unique features(s)

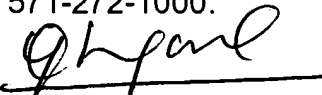
Art Unit: 3625

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG/7/6/2006